

REMARKS

This application has been amended in a manner that is believed to place it in condition for allowance at the time of the next Official Action.

Claims 7 and 11-12 are pending in the present application. Claims 13 and 14 have been canceled.

In the outstanding Official Action, claims 13-14 were rejected under 35 USC 112, first paragraph, for allegedly not satisfying the enablement requirement. Applicants believe that the present amendment obviates this rejection.

As noted above, claims 13 and 14 have been canceled.

Claims 7 and 11 were rejected under 35 USC 102(e) as allegedly being anticipated by SARKIS et al. 5,921,933. Claim 12 was rejected under 35 USC 103(a) as allegedly being unpatentable over SARKIS et al. These rejections are respectfully traversed.

SARKIS et al. describes a medical device for ultrasound scans. The device has an echogenic coating that provides enhanced visibility to the device in an ultrasound scan.

The device of the present invention allows the user to follow by ultrasound scan the position of an embryo inside the first passage of the catheter, which ensures that the embryo is expelled out of the device. Moreover, the claimed device allows one to precisely determine the place where the embryo will be expelled because the echogenic material may be located inside the second passage of the catheter, at the level of the open distal

end of the first passage of the catheter, thus permitting the transfer of the embryo in a precise area chosen by the user.

Upon reviewing SARKIS et al., it is apparent that SARKIS et al. fail to disclose or suggest that the echogenic material is placed at the level of the open distal end of the device.

For example, in Figure 1 of SARKIS et al., the echogenic material surrounds the catheter. As a result, it would be impossible to visualize by ultrasound scan the position of the embryo which would be hidden by the echogenic material.

As far as the cross section through the catheter of SARKIS et al. as represented in Figure 9 is concerned, applicants emphasize that it is not mentioned that the echogenic material contained in said catheter is located at the open distal end. Indeed, SARKIS et al. provide no suggestion to do so.

Thus, when one takes into consideration all the publications which have been submitted during the examination procedure of the present application, it is believed that none of the publications has taught or suggested the use of a device for the transfer of embryos as set forth in the claimed invention.

Thus, in view of the above, applicants believe that SARKIS et al. fail to anticipate or render obvious the claimed invention.

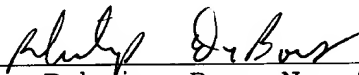
In view of the present amendment and the foregoing Remarks, therefore, applicants believe that the present

application is in condition for allowance at the time of the next Official Action.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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